1

UNITED STATES DISTRICT COURT

2

DISTRICT OF NEVADA

3

* * *

4

WANDA R. CLEMONS,

Case No. 2:15-cv-00389-APG-VCF

5

Plaintiff,

ORDER ACCEPTING REPORT &
RECOMMENDATION AND
REMANDING CASE

6

v.

7

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

(ECF Nos. 17, 22, 25)

8

9

Defendant.

10   On December 15, 2015, Magistrate Judge Ferenbach entered a Report & Recommendation

11   (ECF No. 25) recommending that plaintiff Wanda Clemons' motion to remand (ECF No. 17) be

12   granted, that defendant Carolyn Colvin's motion to affirm (ECF No. 22) be denied, and that this

13   matter be remanded to the ALJ to resolve the inconsistency between (1) Clemons' RFC limitation

14   of simple tasks and simple instructions and (2) the vocational expert's testimony that Clemons

15   could perform jobs that required level-three reasoning. Neither party objected to the Report &

16   Recommendation.

17   Pursuant to Local Rule IB 3-2(a), any objection to Judge Ferenbach's Report and

18   Recommendation had to be filed within fourteen days. No objection was filed. The failure to file

19   objections within the specified time, and failure to properly address and brief the objectionable

20   issues, waives the right to appeal the order and to appeal factual issues from the order. *Thomas v.*

21   *Arn*, 474 U.S. 140, 142 (1985); *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); LR IB 3-

22   2(b) (stating the "district judge must conduct a de novo review of those portions of the specified

23   findings or recommendations to which objections have been made"). There being no objection to

24   Judge Ferenbach's Report & Recommendation,

25   IT IS ORDERED that Judge Ferenbach's Report and Recommendation **(ECF No. 25) is**

26   **accepted**, plaintiff's motion for remand **(ECF No. 17) is GRANTED**, and defendant's motion to

27   affirm **(ECF No. 22) is DENIED**.

28

1   IT IS FURTHER ORDERED that this matter is **REMANDED** to the Administrative Law

2 Judge for further proceedings consistent with this order and with Judge Ferenbach's Report &

3 Recommendation.

4   Dated: May 27, 2016.

                                              ANDREW P. GORDON

5   UNITED STATES DISTRICT JUDGE